



General Assembly

January Session, 2009

**Amendment**

LCO No. 8052

**\*HB0618508052HR0\***

Offered by:

REP. CANDELORA, 86<sup>th</sup> Dist.

To: House Bill No. 6185

File No. 285

Cal. No. 92

(As Amended by Senate Amendment "A")

**"AN ACT CONCERNING PENALTIES FOR VIOLATIONS OF  
CERTAIN PERSONNEL FILES STATUTES."**

1 Strike Section 501 and insert the following in lieu thereof:

2 "Sec. 501. Section 31-75 of the general statutes is repealed and the  
3 following is substituted in lieu thereof (*Effective October 1, 2009*):

4 (a) No employer shall discriminate in the amount of compensation  
5 paid to any employee [solely] on the basis of sex. Any difference in pay  
6 based on sex shall be deemed a discrimination within the meaning of  
7 this section. [ provided nothing herein shall be deemed to prevent the  
8 operation of employment practices which recognize length of service  
9 or merit rating as a factor in determining wage or salary rates.]

10 (b) If an employee can demonstrate that his or her employer  
11 discriminates on the basis of sex by paying wages to employees at the  
12 employer's business at a rate less than the rate at which the employer

13 pays wages to employees of the opposite sex at such business for equal  
14 work on a job, the performance of which requires equal skill, effort and  
15 responsibility, and which are performed under similar working  
16 conditions, such employer must demonstrate that such differential in  
17 pay is made pursuant to (1) a seniority system; (2) a merit system; (3) a  
18 system which measures earnings by quantity or quality of production;  
19 or (4) a differential system based upon a bona fide factor other than  
20 sex, such as education, training or experience. Said bona fide factor  
21 defense shall apply only if the employer demonstrates that such factor  
22 is job related and consistent with business necessity. Such defense shall  
23 not exist where the employee demonstrates that an alternative  
24 employment practice exists that would serve the same business  
25 purpose without producing such differential and that the employer  
26 has refused to adopt such alternative practice.

27 (c) No employer shall discharge, expel or otherwise discriminate  
28 against any person because such person has opposed any  
29 discriminatory compensation practice or because such person has filed  
30 a complaint or testified or assisted in any proceeding pursuant to  
31 section 31-76, as amended by this act."